

### **V. REMARKS**

It is respectfully submitted that the Examiner has apparently made a typographical error in that claims 5, 7, 9-11, 13-17, 19-22 and 24-26 are rejected under 35 USC **102 (a)** as being unpatentable over Loose et al. (U.S. Patent No. 6,517,433) in view of Weatherford et al. (U.S. Patent No. 4,206,920) and Yoseloff (U.S. Patent No. 6,299,170). However, "102(a)" is clearly a typographical error in that the rejection should have been based upon "**103(a)**". The following remarks are directed to the rejection of the claims under 35 USC 103 (a).

Claims 5, 7, 9-11, 13-17, 19-22 and 24-26 are rejected under 35 USC 103 (a) (and not 35 USC 102 (a)) as being unpatentable over Loose et al. (U.S. Patent No. 6,517,433) in view of Weatherford et al. (U.S. Patent No. 4,206,920) and Yoseloff (U.S. Patent No. 6,299,170). The rejection is respectfully traversed.

Loose reveals a spinning reel slot machine that includes a plurality of mechanical rotatable reels and a video display. The plurality of mechanical rotatable reels, in response to a wager, are rotated and stopped to randomly place symbols on the reels in visual association with a display area. The video display provides a video image overlaying the reels with the video image interacting with the symbols on the reels. The video display is a flat panel transmissive display, in the form of a liquid crystal display, positioned in front of the reels.

Weatherford teaches a multiple digit electronic game that is adapted to permit a player to select a sequence of digits in anticipation of a sequence of digits selected by a random number generator. The electronic game is provided with a programmable comparator which the player may direct to provide a win indication logic output in the event of a perfect, sequential match between the player selected digits and the randomly selected digits or, a match between the player selected digits and the randomly selected digits irrespective of sequence.

Yoseloff discloses a higher frequency wild card game method and apparatus. The method of playing a live casino card game with a video display of a wild card includes dealing a number of physical playing cards to a player to form an original hand, the player having made a wager on a card game being played with that original hand. From a separate virtual deck of playing cards, dealing at least one card that is a video display card. At any time during play of the game, showing the value of the at least one card that is a video display card, the at least one card that is a video display card establishing a fact that physical cards of a predetermined relationship to the at least one card that is a video display card are wild cards for the purpose of establishing a rank or value for the player's hand. The player is then paid for attaining a hand of at least a predetermined rank or having a hand with a value higher than the value of a dealer's hand; the rank or value being determined with or without the presence of wild cards.

In rejecting claims under 35 U.S.C. §103, the United States Patent and Trademark Office bears the initial burden of presenting a prima facie case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. "A prima facie case of obviousness is established if the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." In re Bell, 991 F.2d 781, 782, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993) quoting In re Rinehart, 531 F.2d 1048, 1051, 189 U.S.P.Q. 143, 147 (CCPA 1776). The mere fact that the prior art may be modified in the manner suggested by the Examiner neither makes the modification prima facie obvious or obvious unless the prior art suggested the desirability of the modification. The test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art. The conclusion that the claimed subject matter is obvious must be supported by evidence, as shown by some objective teaching in the prior art or by knowledge generally available to one of ordinary skill in the art that would have led the individual to combine the relevant teachings of the references to arrive at the claimed invention.

If the Examiner fails to establish a prima facie case of obviousness, the rejection is improper and will be overturned.

Examiners must make appropriate rejections regarding the obviousness of claimed inventions in light of the Supreme Court's decision in KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (2007). The familiar factual inquiries announced by the Supreme Court in its much earlier decision, Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), remain the basis for every decision regarding obviousness, i.e, Examiners will continue to consider:

- (1) the scope and content of the prior art,
- (2) the differences between the claimed invention and the prior art,
- (3) the level of ordinary skill in the pertinent art, and
- (4) objective evidence relevant to the issue of obviousness.

Guidelines promulgated by the United States Patent and Trademark Office (Federal Register, volume 72, number 195, October 10, 2007) note that Patent Examiners must continue to explain the reasoning that leads to a legal conclusion of obviousness when rejecting claims on that ground. The reasoning may still include the established Court of Appeals for the Federal Circuit standard that a claimed invention may be obvious if the examiner identifies a prior art teaching, suggestion, or motivation (TSM) to make it. However, in keeping with the KSR decision, the guidelines explain that there is no requirement that Patent Examiners use the TSM approach in order to make a proper obviousness rejection. Furthermore, the guidelines point out that even if the TSM approach cannot be applied to a claimed invention that the invention may still be found obvious.

To help Examiners make obviousness rejections that are supported by appropriate facts and reasoning, the guidelines identify a number of rationales suggested by the Supreme Court in the KSR decision. For each rationale, the

Guidelines explain the underlying factual findings, and provide guidance about how to reason from the facts to the legal conclusion of obviousness.

The Examiner must resolve the Graham factual inquiries. Based upon the guidelines, the Examiner must then articulate the following:

(1) a finding that the prior art included each element claimed although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference;

(2) a finding that one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element in the early would have performed the same function as it did separately;

(3) a finding that one of ordinary skill in the art would have recognized that the results of the combination were predictable; and

(4) whatever additional findings based on the Graham factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.

It is respectfully submitted that the Examiner has failed to find that the prior art includes each claimed element as required under paragraph (1) set forth above. Claims 5, 11, 17 and 22 are directed to a gaming machine. Claims 10, 16, 21 and 26 are directed to a display device for a gaming machine. Claims 5, 10, 11, 16, 17 and 21 recite an image state keeping device and recite that the image state keeping device:

1. monitors a signal of an image fed from the display control device,
2. detects whether the signal is in a normal state thereby rendering the image as a normal image or an abnormal state thereby rendering the image as an abnormal image being different from the normal image, and

3. controls the display device such that when the image state keeping device detects that the signal is in the abnormal state, the display device is controlled to display the image as the normal image .

It is respectfully submitted that none of the applied art, alone or in combination, teaches or suggests the features of claims 5, 10, 11, 16, 17 and 21. Specifically, it is respectfully submitted that the applied art, alone or in combination, fails to teach or suggest an image state keeping device which

1. monitors a signal of an image fed from the display control device,

2. detects whether the signal is in a normal state thereby rendering the image as a normal image or an abnormal state thereby rendering the image as an abnormal image being different from the normal image, and

3. controls the display device such that when the image state keeping device detects that the signal is in the abnormal state, the display device is controlled to display the image as the normal image.

Thus, it is respectfully submitted that one of ordinary skill in the art could not combine the features of the applied art to arrive at the claimed invention because the applied art is devoid of all the features of the claimed invention. As a result, it is respectfully submitted that claims 5, 10, 11, 16, 17 and 21 are allowable over the applied art.

Claims 22 and 26 recite an image signal control device and a transparent image display device. Claims 22 and 26 recite that the image signal control device

1. receives a signal of an image from the display control device to display the image on the display device,

2. detects whether the signal is in a normal state thereby rendering the image as a normal image or an abnormal state thereby rendering the image as an abnormal image being different from the normal image, and

3. controls the display device such that when the image signal control device detects that the signal is in the abnormal state, the display device is controlled to display the image as the normal image.

Claims 22 and 26 also recite that a transparent image display device displays an image of relatively high transparency on the display device when the image signal control device detects abnormality of the signal of the image such that the relative high transparency of the image is sufficient to enable a player to see through the image and view at least one of the plurality of symbols on a front-most portion of the reel.

It is respectfully submitted that none of the applied art, alone or in combination, teaches or suggests the features of claims 22 and 26. Specifically, it is respectfully submitted that the applied art, alone or in combination, fails to teach or suggest:

A. an image signal control device that

1. receives a signal of an image from the display control device to display the image on the display device,

2. detects whether the signal is in a normal state thereby rendering the image as a normal image or an abnormal state thereby rendering the image as an abnormal image being different from the normal image,

3. controls the display device such that when the image signal control device detects that the signal is in the abnormal state, the display device is controlled to display the image as the normal image, and

B. a transparent image display device that

1. displays an image of relatively high transparency on the display device when the image signal control device detects abnormality of the signal of the image such that the relative high transparency of the image is sufficient to enable a player to

see through the image and view at least one of the plurality of symbols on a front-most portion of the reel.

Thus, it is respectfully submitted that one of ordinary skill in the art could not combine the features of the applied art to arrive at the claimed invention because the applied art is devoid of all the features of the claimed invention. As a result, it is respectfully submitted that claim 22 and 26 are allowable over the applied art.

By contrast, Loose teaches adjusting the appearance of the video image in terms of transparency, translucency or opacity depending on the purpose of the video image, Weatherford teaches an emergency power supply to provide current in the event of power failure and Yoseloff teaches saving image patterns in the event the main power supply is disconnected from the card-game apparatus, as correctly set forth by the Examiner. Combining these features, however, would not result in the claimed features recited in claims 5, 10, 11, 16, 17, 21, 22 or 26 as discussed above because the applied art is devoid of the features recited in these claims.

It is respectfully submitted that the Examiner has failed to find that the prior art includes each claimed element as required under paragraph (1) set forth and discussed above. Therefore, it is respectfully submitted that none of the applied art, alone or in combination, teaches or suggests the claimed elements.

Further, it is respectfully submitted that since the Examiner has failed to find that the prior art includes each claimed element of the independent claims, paragraphs (2), (3) and (4) stated above cannot be satisfied.

Based upon the above, it is respectfully submitted that the Examiner cannot support the Graham factual inquiries as required under KSR.

Claims 7 and 9 depend from claim 5 and include all of the features of claim 5. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 5 is allowable as well as for the features they recite.

Claims 13-15 depend from claim 11 and include all of the features of claim 11. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 11 is allowable as well as for the features they recite.

Claims 19 and 20 depend from claim 17 and include all of the features of claim 17. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 17 is allowable as well as for the features they recite.

Claims 24 and 25 depend from claim 22 and include all of the features of claim 22. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 22 is allowable as well as for the features they recite.

Withdrawal of the rejection is respectfully requested.

Claims 12, 18 and 23 are rejected under 35 USC 103 (a) as being unpatentable over Loose in view of Weatherford and Yoseloff and further in view of Walker (U.S. Patent Application Publication No. 2003/0224852). The rejection is respectfully traversed.

Walker discloses a method and apparatus for linked play gaming with combined outcomes and shared indicia. In particular, this invention includes a system and method for providing linked play via gaming and other devices wherein players may share and combine outcomes or parts thereof. A casino server registers a group for linked play and a group objective and format are established. The linked play commences according to the group format on the gaming devices while the casino server, or another device, concurrently facilitates interaction between the group members operating the gaming devices. During the interaction, players may combine outcomes in an attempt to win group prizes. The linked play is terminated according to the group format and a determination is made by the casino server whether the group objective has been achieved. Prizes are awarded via the gaming devices if the group objective was achieved.



Claim 12 depends from claim 11 and includes all of the features of claim 11. Thus, it is respectfully submitted that the dependent claim is allowable at least for the reasons claim 11 is allowable as well as for the features it recites.

Claim 18 depends from claim 17 and includes all of the features of claim 17. Thus, it is respectfully submitted that the dependent claim is allowable at least for the reasons claim 17 is allowable as well as for the features it recites.

Claim 23 depends from claim 22 and includes all of the features of claim 22. Thus, it is respectfully submitted that the dependent claim is allowable at least for the reasons claim 22 is allowable as well as for the features it recites.

Withdrawal of the rejection is respectfully requested.

It is respectfully submitted that the pending claims are believed to be in condition for allowance over the prior art of record. Therefore, this Response is believed to be a complete response to the outstanding Office Action. Further, Applicants assert that there are also reasons other than those set forth above why the pending claims are patentable. Applicants hereby reserve the right to set forth further arguments and remarks supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

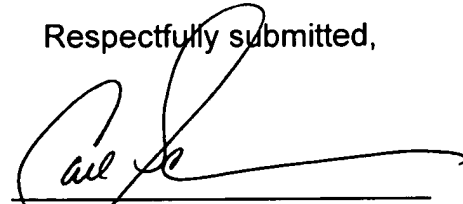
Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same,

the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

Date: November 12, 2008

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Enclosure(s):          Amendment Transmittal

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